

313.310 License required -- Practice regulated -- Practice when supervising dentist not present -- Display of license -- Duties of supervising dentist -- Employment.

- (1) No person shall practice dental hygiene nor hold himself out as a dental hygienist without a license issued by the board.
- (2) A licensed dental hygienist shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter and may practice in a dental office, public or private school, health care facility, or government institution with a dentist on staff except as provided in administrative regulations promulgated pursuant to subsections (3), (4), and (5) of this section.
- (3) A dental hygienist may provide, for not more than fifteen (15) consecutive full business days, dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if all the following requirements are met:
 - (a) The dental hygienist shall have at least two (2) years with a minimum of three thousand (3,000) hours of experience in the practice of dental hygiene;
 - (b) The dental hygienist shall have successfully completed a course approved by the board in the identification and prevention of potential medical emergencies with recertification in this course every two (2) years;
 - (c) The dental hygienist shall comply with written protocols for emergencies the supervising dentist establishes;
 - (d) The board shall promulgate administrative regulations to determine procedures the dental hygienist shall not be allowed to perform while the supervising dentist is absent from the work site; and
 - (e) The dental hygienist shall not examine or provide dental health services to a patient who has not been examined by the supervising dentist within the previous seven (7) months. The supervising dentist shall have completed and evaluated a medical and dental history of the patient and shall have placed a written order for treatment in the patient's file. The board shall promulgate administrative regulations to determine guidelines for the written order.
- (4)
 - (a) The license for each dental hygienist shall be continuously displayed in a conspicuous place in the office where the licensee practices.
 - (b) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills.
 - (c) The supervising dentist shall establish a written office protocol clearly defining all guidelines, including one addressing medically compromised patients, when the treatment by the hygienist is permitted and when the patient needs to be seen exclusively by the dentist. The minimum requirements of the written protocol shall be promulgated in administrative regulations established by the board.
 - (d) A patient shall be notified three (3) business days in advance of an appointment for dental hygiene services when the supervising dentist will be absent from the location. The patient shall be required to sign an informed

consent form, prior to treatment by the hygienist, acknowledging the dentist's absence.

- (5) The dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if the services are provided as part of a dental health program that is approved by the board and meets all of the following requirements:
 - (a) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under KRS 212.245; a national, state, district, or local dental association; or any other public or private entity recognized by the board;
 - (b) The supervising dentist is employed by or is a volunteer for the entity through which the program is operated and through which the patients are referred; and
 - (c) The services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan.
- (6) A dental hygienist may be employed by the supervising dentist or under contract with a dentist licensed under this chapter who is one (1) of the following:
 - (a) The employer of the supervising dentist;
 - (b) A shareholder in a professional association formed under KRS 274.015 of which the supervising dentist is a shareholder;
 - (c) A member or manager of a limited liability company formed under KRS 275.005 of which the supervising dentist is a member or manager;
 - (d) A shareholder in a corporation formed under KRS Chapter 271B of which the supervising dentist is a shareholder;
 - (e) A partner or employee of a partnership of which the supervising dentist is a partner or employee; or
 - (f) A government entity that employs the dental hygienist to provide dental hygiene services in a public school in connection with other programs the government entity administers.
- (7) It shall be unlawful for a person or corporation to practice dental hygiene in a manner that is separate or independent from the dental practice of a supervising dentist or to establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.
- (8) For purposes of determining whether or not a dental hygienist has met the experience requirements specified in subsection (3)(a) of this section, all experience that the dental hygienist obtained prior to July 15, 2002, shall be counted.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 149, sec. 234, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 244, sec. 1, effective July 15, 2002. -- Amended 1978 Ky. Acts ch. 104, sec. 6, effective June 17, 1978. -- Amended 1964 Ky. Acts ch. 12, sec. 21. -- Amended 1948 Ky. Acts ch. 6, sec. 3. -- Created 1942 Ky. Acts ch. 60, sec. 7.